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Scotland's
Commissioner
for Children and
Young People

Participants, Not Pawns

**Guidance on Consulting
with Children and Young
People on School Closures
(and Other Significant Changes)**



Participants, Not Pawns: Consulting with Children and Young People on School Closures

Guidance for Local Authorities on Pupil Consultations
under the Schools (Consultation) (Scotland) Act 2010.

Scotland's Commissioner for Children and Young People,
with the assistance of Children in Scotland

March 2010

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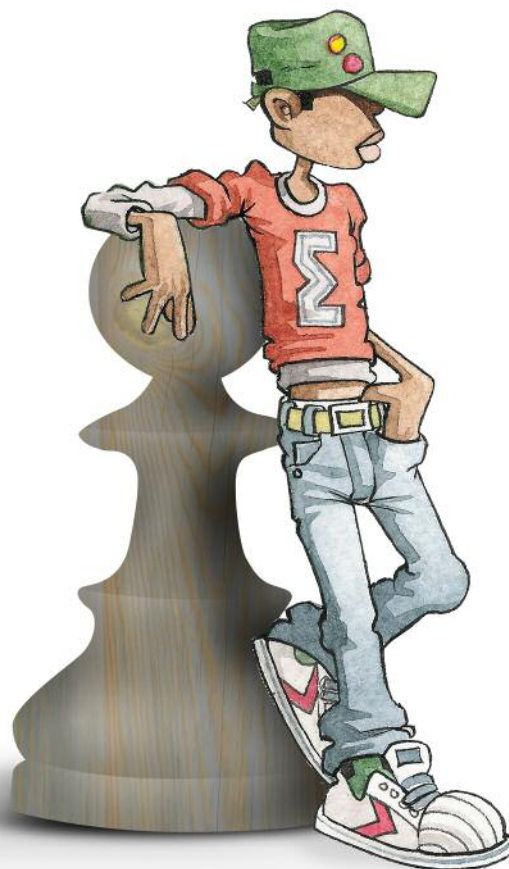
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We would also like to thank the Scottish Government Schools Directorate for their cooperation in linking this guidance to the Scottish Government's statutory guidance on the Schools (Consultation) (Scotland) Act 2010.



About Scotland's Commissioner for Children and Young People

Scotland's Commissioner for Children and Young People

(SCCYP) was established in 2004, following the Scottish Parliament's passing of the Commissioner for Children and Young People (Scotland) Act 2003.

The Commissioner's key statutory function is to promote and safeguard the rights of children and young people, by

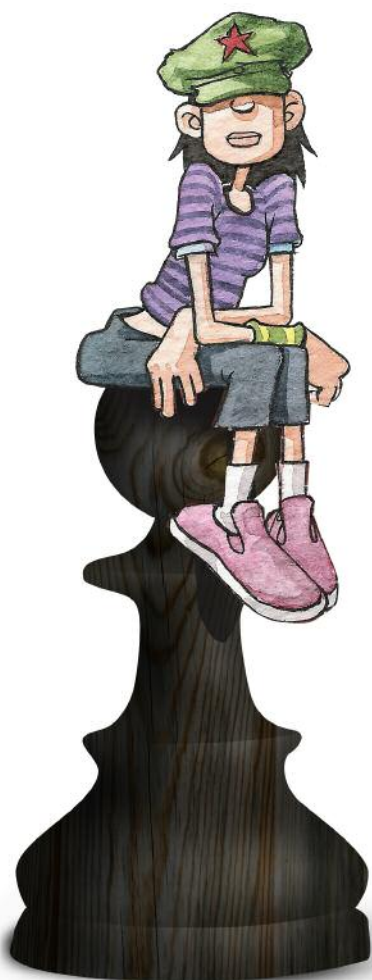
(a) promoting awareness and understanding of the United Nations Convention on the Rights of the Child (UNCRC)

(b) reviewing law, policy and practice that pertains to children and young people

(c) promoting best practice by service providers

(d) undertaking or commissioning and publishing research on matters that are relevant to children and young people.

In exercising the office's functions, The Commissioner has to have regard to the rights of children and young people enshrined in the UNCRC and promote equal opportunities. The Commissioner further has a duty to encourage the involvement of children and young people in its work.



About Children in Scotland

Children in Scotland is the national umbrella organisation for those working with, or on behalf of, children, young people and their families. With more than 450 members – including large voluntary organisations, professional associations, small community groups, private service providers and 90% of local authorities – this children's rights-based charity works in a variety of ways to produce information, share good practice and influence policy to promote the best interests of children's current well-being and life chances.

For more than a decade, Children in Scotland has been active in increasing and improving the participation of children and young people in decisions affecting their lives, both directly and through supporting its members. For more information, please visit: www.childreninscotland.org.uk



Foreword

I was pleased to support the Schools (Consultation) (Scotland) Act 2010 throughout its parliamentary stages. I believe the legislation has great potential to give those most affected by closure or other major changes to their school a voice in the process; and its full implementation may help mitigate what will always be difficult decisions for children and young people, their families and their communities.

I recognise that financial pressures on local authorities are real, and difficult decisions will be made up and down the country right now and over the coming years. However, Scotland's obligations under the United Nations Convention on the Rights of the Child, and our collective commitment as a nation to its tenets mean that we cannot allow those pressures to override the critical protections offered to children and young people by the Convention:

- our obligation as a society to establish and act in their best interest (article 3);
- particularly in straitened economic times, our duty to commit the maximum extent of our available resources to the realisation of children's rights (article 4);
- their right to be heard and have their views taken seriously in all decisions that affect their lives (article 12);

- every child's right to an education that supports the development of their talents, their abilities, and their personality to the fullest possible extent (article 29).

This guidance will help local authorities to make sure that their consultation with children and young people is meaningful, credible and commands the respect of children and young people, their parents/carers and the wider community. It sets out central principles of consultation with children and young people, and provides practical tools to make the key decisions about how to run programmes of consultation in a meaningful and sensitive way.

Ensuring children and young people's views are heard and heeded will enable local authorities to make better decisions, based on a richer understanding of what will be the impacts of their decisions.

I commend this guidance to local authorities across Scotland to support them in that endeavour.



Tam Baillie

Scotland's Commissioner for Children and Young People

About this Guidance

The Schools (Consultation) (Scotland) Bill was introduced in the Scottish Parliament in March 2009. Scotland's Commissioner for Children and Young People and Children in Scotland welcomed the provisions of the Bill and submitted largely supportive written evidence to the lead committee. In her contribution to the Bill's Stage one debate, the Cabinet Secretary for Education and Lifelong Learning, Fiona Hyslop MSP, said:

'The [Education, Lifelong Learning and Culture] Committee ... supports the suggestion that I made in my evidence that we engage with the Children's Commissioner on consultation with pupils. I am happy to give an undertaking that we will take that forward and reflect it in our guidance.'¹

While the responsibility for the provision of statutory guidance lies with Scottish Ministers, The Commissioner welcomes the chance to add to the Scottish Government's guidance using the office's power under s.4 (2)(c) of the Commissioner for Children and Young People (Scotland) Act 2003 Act to 'promote best practice by service providers', including local authorities.

Following a meeting with officials from the Scottish Government's Schools Directorate, The Commissioner's office commissioned Children in Scotland to prepare this guidance on its behalf. It has been reviewed and endorsed by both organisations and by the experts with whom Children in Scotland consulted during its development.

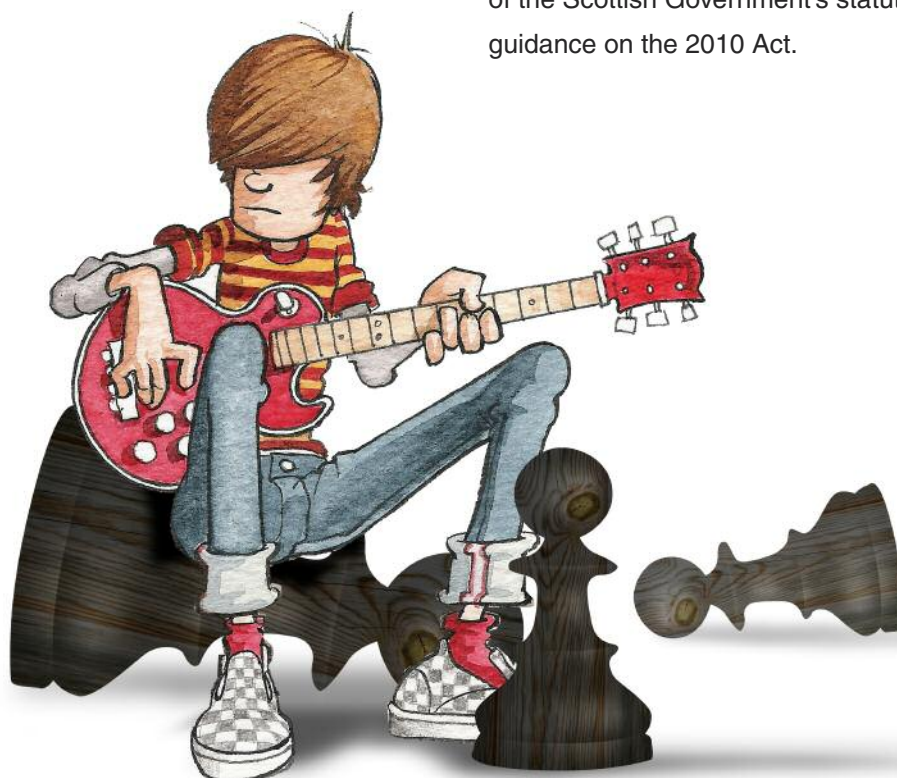
The Schools (Consultation) (Scotland) Bill was passed by the Scottish Parliament on 19th November 2009, and received Royal Assent on 5th January 2010, making it the Schools (Consultation) (Scotland) Act 2010; it is expected to be brought into force in 5 April 2010. It is further expected that local authorities which have embarked on school closure consultations after the Act was passed but before it is commenced would adhere to the provisions of the Act and the consultation process it requires to follow. We recommend that local authorities in that situation review their consultation processes in light of this guidance.

1. Fiona Hyslop MSP, Official Report 2nd September 2009, at Col 19107

How to Use this Guidance

This guidance sets out principles of meaningful and sensitive consultation with children and young people and explores methods that local authorities may want to use in carrying out consultations with children and young

people on proposed school closures or other significant changes to the running of a school under the Schools (Consultation) (Scotland) Act 2010. It further provides examples of good practice in consultation with children and young people and tips to support local authorities in putting principles into practice. This guidance should be read alongside the relevant parts of the Scottish Government's statutory guidance on the 2010 Act.



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Terminology

Children and Young People

This phrase is used throughout the guidance to mean those pupils in the 'affected schools'. At certain points, children may be used to mean pupils in primary schools and young people to refer to secondary school students. In line with the Schools (Consultation) (Scotland) Act 2010, 'affected schools' includes the school for which closure or changes are proposed and may further include other schools that may be affected by the proposals; for example, where there would be a significant increase in a school's roll due to the proposed closure of another school in the area.

Consultation Process

This term applies to the whole process of undertaking a consultation. The process begins at the initial discussion stages and ends when a school is actually closed, or agreement made that it will remain open.

Consultation Exercise

A consultation exercise or number of exercises form only part of the whole consultation process. In this guidance, 'consultation exercise' applies to the compiling of information from children and young people beginning with the actual collection (although planning and piloting will have taken place previously) and continuing with collation, analysis and

presentation of the findings. The exercise ends when a final report on the information collected is delivered to the relevant parties. It is hoped that children and young people will continue to be part of the discussion and decision-making process until it ends.

Education Authority

Throughout the document, education authority is used to refer to the Local Authority Department that is responsible for the delivery of education services to the city or region.

Independent Consultant

This guidance strongly recommends that local authorities use an independent consultant to conduct the consultation exercise(s) with the affected children and young people, and to provide advice on other parts of the process to the education authority. This is to ensure that the process is open, transparent and respectful of the rights, views and needs of children and young people who are being consulted under the terms of the 2010 Act.

Introduction

To understand why this Guidance was written, it is important to be aware of two major shifts in public opinion and professional practice across Scotland in recent years. The first concerns school closures. The second focuses on children's rights.

School closures

The first shift reflects a change in attitudes towards involving the school community in decisions about school closures. Closing schools is nothing new in Scotland or in most other Organisation for Economic Co-operation and Development nations². Government has been opening some schools at the same time as closing others for nearly a century. School closures have been controversial and often contentious. The arguments are frequently made in the name of pupils' own interest.

And yet, one characteristic of the school closure process nearly everywhere has been that pupils have been treated as pawns rather than participants in adult battles over school closures. Their voices have rarely been heard and their views have largely been ignored or discounted. While done in their name, decisions have been made without pupils' direct and significant participation.

Failing to consult pupils is no longer seen as acceptable. This significant shift in attitudes about school closure processes led to the enactment of the Schools (Consultation) (Scotland) Act 2010 by the

Scottish Parliament. This Act builds upon principles incorporated into other relevant Scottish legislation, including the Standards in Scotland's Schools Act 2000 and the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended in 2009) and the Children (Scotland) Act 1995.

Children's rights and school consultations

The second major shift in public, professional and political attitudes has taken place in recent years around children's rights. Although the UK Government (acting on behalf of Scotland and the other UK nations) ratified the UN Convention on the Rights of the Child (UNCRC) nearly 21 years ago, its practical impact in Scotland was neither immediate nor, as yet, pervasive.

However, the level of understanding, degree of acceptance and willingness to act upon the rights enshrined in the UNCRC has grown slowly but steadily throughout Scotland over the ensuing years. This has been reflected and advanced not only by the legislation noted above, but also in the creation and continuation of Scotland's Commissioner for Children and Young People (SCCYP) as a statutory body with a remit to promote and safeguard the rights of children and young people, which is independent of government and reports to the Scottish Parliament.

2. See Children in Scotland's consultation responses to Murdo Fraser MSP's private member's bill on creating a legal presumption against rural school closures, and written evidence on the Scottish Government's Schools (Consultation) (Scotland) Bill. Available on <http://www.scottish.parliament.uk/business/bills/index.htm>.

The Schools (Consultation) (Scotland) Act 2010 is the latest element of Scots Law to make acting upon the UNCRC a legal duty, not just a rhetorical commitment. It extends existing laws by adding children and young people to the list of relevant parties with whom consultation must occur when an education authority proposes a school closure (or other significant change). This provision gives substance to both Article 3 and Article 12 of the UNCRC in the context of such decisions.

Article 3 of the UNCRC imposes an obligation on national governments to ensure that the best interests of the child are a primary consideration in all actions directly affecting children. Article 12 covers the right of any child or young person to express a view on matters that significantly affect that child's life, and to have that view taken into account by the adult decision-makers.

From time to time, the UN Committee on the Rights of the Child which oversees the implementation of the UNCRC by state parties, issues General Comments on the interpretation and implementation of the provisions of the Convention. On 1st July 2009, the Committee published General Comment No 12 on the right of the child to be heard. One of the Committee's conclusions is that 'there can be no correct application of Article 3 if the components of Article 12 are not respected'³. This not only reinforces the right of children to be meaningfully consulted on matters that affect their lives; it goes further by introducing the notion that enabling children to express their views – and decision-makers taking proper account of

those views – is a necessary condition of making a decision in the best interest of the child. In short, the UN questions how anyone can claim to be acting in the child's best interests (if a child has views on the subject) when that child's views remain unsolicited, unknown and unheeded.

Article 12 does not require government to always do what children want, but it does require public officials and adult decision-makers to: seek the views of all affected children and young people; use what has been learned from consulting with them to inform and influence decisions; and to explain why a decision was reached and how the views of children and young people were used in reaching that decision.

Most of all, asking children and young people about what they know, what they feel and what they recommend is an opportunity for adults to learn more about what decision is most likely to be the right one. Treating this consultation process as a chance to both learn from pupils' insights and to exhibit respect for them is better adult behaviour than treating it merely as a legal obligation to be completed perfunctorily.

3. United Nations Committee on the Rights of the Child (2009), General Comment No 12: The right of the child to be heard, CRC/C/GC/12, para 70f.

Principles of Consultation

At the very beginning of planning a consultation process, those leading it (normally education authorities) need to ask themselves the following questions. The answers to these questions will

provide the underpinning ethos and framework for the consultation process. This basic information needs to be shared with children and young people taking part in the consultation.

Key Questions ⁴



What is this consultation aiming to achieve? It is important to be clear about the boundaries of the consultation; what can and cannot change and the time scales involved.



Why are we involving children and young people? Are we genuinely interested in what children and young people have to share and contribute? Will children and young people have a real possibility of changing and/or influencing the decision making process?



What is our commitment to the consultation process? To what extent will we listen to (and take into account) what children and young people have to say, even if it is not what we want to hear? To what extent are we prepared to act on the results or explain which areas are not being acted on – and why?



What are our expectations? Are we aware of the potential downsides and disappointments to children and young people that could result when undertaking a consultation?



What resources are we willing to commit to consulting children and young people? What funds can we marshal to commission consultation exercises and provide timely feedback to children and young people.

4. Adapted from Treseder, P. (1997) Empowering Children and Young People, Children's Rights Office and Save the Children.

If education authorities are committed to providing children and young people with a genuine opportunity to express their views and have those views taken into account as part of the decision making process, then they should apply the following principles:

Consultation should be open to all

When education authorities make a proposal about a school closure, or another 'relevant proposal' covered by the Schools (Consultation) (Scotland) Act, mechanisms should be put in place to provide an opportunity for all affected children and young people to become informed and to share their views. Any pupils on the school roll should have the chance to share their views. Where pupils may need support to participate, this should be provided. While all pupils should be given a reasonable and fair opportunity to take part in the consultation, participation must always remain voluntary and never coerced or made mandatory.

Consultation should be given enough time

The time frame for the consultation must be sufficient to allow all aspects of the consultation process to take place. This whole process includes planning the consultation and securing an independent consultant; providing advance background information about the proposal; carrying out the consultation itself; analysing and collating pupils' views; providing feedback and producing the final report of the

findings and any recommendations. The six-week period noted in this Act is a minimum, not a maximum.

Consultation should be transparent and unbiased

It is important that pupils (as well as parents/carers and others affected by the proposal) perceive the consultation as fair and without a predetermined conclusion. The school closing and the school remaining open should both be understood as possible outcomes of the consultation and decision-making processes. Those with a vested interest in the outcomes of the consultation (parents/carers, school staff, local authority staff) should be involved as little as possible in the actual consultation with affected children and young people. It is advised that an independent consultant⁵ should carry out the consultation and collate/present the results.

Consultees should be informed

Children and young people need to be presented – in plain English and age-appropriate terms – with the main facts, arguments and options surrounding the school closure proposal in order to give informed opinions. They also need to understand how their views will be taken into account by education authorities when coming to a decision. This requires education authorities to make clear the aims and objectives of the consultation and ensure that children and young people do not have unrealistic expectations.

5. See page 18 for further details on Independent Consultants.

Consultation should be designed with children and young people's best interests considered paramount

How the consultation is run, including feedback to pupils (post-consultation) must be designed to advance the best interests of the participants. This should be a primary concern, particularly when choosing which methods to use and how to group pupils. It is essential that education authorities fully inform parents/carers and school staff of the consultation process – and children and young people's involvement in it. Pupils may have worries or become upset (before or after the consultation has taken place). All participants should be given information about whom they can talk to⁶, should their participation be upsetting.

Consultees should know about confidentiality

The level of confidentiality and anonymity that consultations will involve must be clear to children and young people taking part in the consultation, including those relating to child protection.

Consultations should aim to keep consultees safe

Consultations with children and young people on sensitive issues (which school closures can become) need to have particular regard to their emotional well-being.

Consultation responses should be taken into account fairly by education authorities.

Education authorities need to consider responses from children and young people carefully and give them due weight, particularly when they conflict with other responses.

Consultation should include high quality feedback to participants

Pupils should be kept informed after the consultation as to what is in the consultation report; what will happen to the report; and any decision that the education authority makes.



6. Further information on consulting children and young people on sensitive and emotional issues can be found in the chapter entitled 'Ensuring Children are Safe and Protected' in Save the Children's *So you want to consult with children? A toolkit of good practice*.

Which children and young people should be consulted?

Article 12

[A child who is capable of forming his or her own views [has] the right to express those views freely in all matters affecting the child

Article 3

In all actions concerning children (...) the best interests of the child shall be a primary consideration

United Nations Convention on the Rights of the Child

The Schools (Consultation) (Scotland)

Act 2010 includes pupils in the list of relevant consultees. This is a significant change from the process set out in the Education (Scotland) Act 1980 where only parents and parent councils had to be consulted. Consulting directly with children and young people puts the 2010 Act in line with more recent legislation where there is an emphasis on children and young people being meaningfully involved in decisions that affect their lives (in particular the Standards in Scotland's Schools Act 2000 and Article 12 of the UNCRC).

The inclusion of pupils as consultees is qualified in the Schools (Consultation) (Scotland) Act 'in so far as the education authority considers them to be of suitable age and maturity'. A similar qualification is

used in Article 12 of the UNCRC. However in a recent General Comment, the UN Committee on the Rights of the Child emphasised that this does not impose an age limit on the right of the child to express his or her views and that the presumption should be that every child is 'capable of forming his or her own views'⁷.

A similar approach should be adopted by education authorities in relation to the Schools (Consultation) (Scotland) Act. **Not consulting pupils (or groups of pupils) must be the absolute exception. In particular, education authorities must not exclude pupils because they are young or because they have additional support needs. Instead, efforts should be put into creating a consultation that is accessible to these pupils and ensure they are provided with the necessary support to enable them to participate** (See How to include all pupils on Page 37). By using skilled staff and appropriate consultation methods, virtually all pupils will be able to express their views on aspects of the proposal. The practice examples given on pages 39 to 45 include a number of consultations where very young children, as well as children and young people with additional support needs took part.

It is also possible that a few pupils can be so distressed by a proposal to close their school that participating in a consultation exercise may not be in their best interests. While this

7. United Nations Committee on the Rights of the Child (2009), General Comment No 12: The right of the child to be heard, CRC/C/GC/12, para 70f.

may, in some cases, be a consideration, it must not be used as a 'get-out clause' for education authorities to dispense with consultation with children and young people altogether. Instead, the consultation process should be designed sensitively, with children's best interests in mind and potential difficulties anticipated. And, of course, children themselves can choose not to participate at all in the consultation or to opt out at any point in it. Emphasising the voluntary nature of their involvement is a much better strategy than making the choice for them to not participate.

In the list of consultees the Schools (Consultation) (Scotland) Act includes 'pupils at any affected school'. Where a proposal relates to a school closure (or alteration to the catchment area) this would include both pupils from the school to be closed and pupils from the school(s) to which they would move if the proposal is implemented.

The impact on the receiving school will obviously vary depending on a number of factors, in particular the size of the schools involved. These factors need to be taken into consideration in deciding the level of consultation required with pupils at the

'receiving' school. For example, if the receiving school has 250 pupils and seven pupils transfer as a result of a school closure, then the impact on the receiving school is likely to be small. However, if a school with a roll of 20 closes and the pupils transfer to a school with a roll of six pupils, then the impact on the receiving school will be significant and the amount of consultation carried out there should reflect this reality.

Similarly, if the proposal relates to potentially more sensitive changes (such as moving from a denominational school to a non-denominational school, or one that involves schools with a very different profile in terms of pupils' ethnicity, socio-economic make-up, languages spoken, or additional support needs) the consultation process at the receiving school needs to be more robust and comprehensive. Thus, different circumstances should result in different kinds and levels of consultation with pupils at the 'receiving' school.

When should the consultation happen and how long should it take?

The Act provides for a consultation period of at least six weeks (six school days) from the notice of the proposal being given. It requires that the consultation should run continuously and not include holiday periods (s.6 of the Act).

Even in a very small school, it would be difficult to plan, consult with children and young people meaningfully and write up their views within this six-week minimum. In a large school, it would be virtually impossible. Education authorities, therefore, need to give serious consideration to how long it will take to complete all aspects of the pupils' consultation process before they announce the expected duration of the consultation period.

If the consultation period is not long enough, then consultation with children and young people will be tokenistic at best; generate questions about how 'genuine' the overall consultation process is; and could lead to anger and cynicism. No consultation is often better than a badly-handled one ... but 'no consultation' is – rightly – no longer an option under the Schools (Consultation) (Scotland) Act 2010.

It may be possible to relieve time pressures by doing much of the planning stage before the official consultation period begins. This then allows the consultation exercises with pupils to take place near the start of the consultation period (which may also be preferred with regard to pupils' emotional well-being) giving more time for the results to be collated and written up. Education authorities need to decide who will carry

out the consultation at the earliest opportunity and involve them from the start to ensure a coherent, fair and efficient consultation process with affected children and young people.

Education authorities, schools and, as is recommended, an independent consultant will need to agree the most appropriate time and place to hold pupil consultations. Holding consultations during school time has the advantage that pupils are 'there' and will not exclude pupils who have demands on their time outside school or who may find it difficult to participate in a consultation activity outwith school hours.

On the other hand, pupils may prefer to talk about school in their own time and away from the school setting. If consultations are carried out during school hours, then they do not, necessarily, need to take place in the school. Decisions should be made on a case-by-case basis and in the best interests of the children and young people concerned.

Authorities and any independent consultant(s) will also need to consider and liaise with school staff as to the best time for consultation to take place. For example many schools will be busy with extra activities in the lead up to Christmas, and high schools will have times where examinations will make holding a consultation impractical.

Who should conduct these consultations?

Getting the right person to do any consultation is essential for this process to be beneficial for children and young people and constructive for the education authority and all other relevant parties. In the vast majority of cases – and under normal circumstances – consultations with children and young people should be done by local authorities or local groups which the authority contracts for this purpose. A local capacity to make consulting with pupils a completely normal part of the education system should be developed as quickly and fully as possible nationwide⁸.

However, consultations about proposed school closures should (for the foreseeable future) be an exception to this general rule.

In the case of school closure proposals, a genuinely independent person is essential for the process to be respected by participants, parents/carers and other relevant adults.





This is true not only because the topic itself is almost always highly controversial, contentious and emotive, but also because of the historical 'baggage' school closure decisions carry with them across Scotland (and other nations). The stated reasons for closure have been diverse over time – ranging from the claim that doing so would save money to the assumption that it would result in better educational opportunities.

What too often has been absent is an evidence-based consideration of the pros

and cons of school closure – as well as a reasonable, transparent and respectful process of deliberation, discussion and decision-making involving all the key stakeholders. There are misgivings not only about what has been decided in some cases, but also about the process by which these decisions have been reached.

Growing dissatisfaction among the public/parents/voters has resulted in greater sensitivity among elected officials about this area of decision-making.

Accordingly, the consultation process must be – and be seen to be – free of prejudice or bias. Independent consultation should, therefore, be carried out by an individual (or individuals) with the following key characteristics:

-  Experienced in, and skilled at, consulting with children and young people of the age group to be involved in each case.
-  Comfortable with consultations involving potentially sensitive issues and emotive responses from pupils, and others including parents/carers.
-  Not controlled or unduly influenced by the school, local authority and any other group – including parents/carers or community leaders having (or perceived to have) a vested interest in the outcome of the consultation
-  Capable of communicating the results of the consultation accurately, fairly and effectively to both pupils and adults.

8. Indeed, the UN Committee on the Rights of the Child made a recommendation to that effect as a result of its consideration of the UK's state party report in 2008; see UN Committee on the Rights of the Child (2008), Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/4; para 33a.

A decade ago, it would have been very difficult to identify enough people meeting these criteria to cope with the likely demand. Fortunately, that is no longer the case. A good deal of positive consultation and participation work with children and young people has taken place across Scotland in recent years. This, in turn, has created an informal network of individuals who would be able to perform this role in the school consultation process⁹. It is important that local authorities leave sufficient time to identify and commission an appropriate consultant before the consultation period commences, or to identify (an)other suitable person(s) who may be able to carry out this work in a sensitive, effective and credible fashion.

The role of school staff

The role of school staff and how they are involved during the consultation process is complex and needs careful consideration.

Staff input will be vital in choosing the methods and groupings that will best suit pupils in the school. Where pupils have communication difficulties or other

additional support needs, members of staff may need to be more directly involved to support these pupils to give their views. Pupils are also likely to turn to staff for information and/ or to express concerns about the proposal.

However, school staff will themselves be directly affected by and have their own views on the proposal. In addition, pupils may feel uncomfortable talking about their views openly in their presence and issues of confidentiality will need to be addressed.

The education authority and the independent consultant need to discuss the role of school staff in each case and take account of any issues their involvement might raise. They also need to ensure that school staff members are comfortable with (and, if necessary, supported in) any role they are assigned.

9. Scotland's Commissioner for Children and Young People and Children in Scotland have proposed to the Scottish Government that a national structure to support local authorities in identifying, commissioning and quality-assuring independent consultants for consultations with children and young people be created. This may be a service based within an existing organisation (rather than a quango), which would facilitate access to a network of suitable consultants for local authorities, oversee standards, and process payments to consultants so that the consultant is not on the payroll of the local authority that is proposing, for example, a school closure.

Confidentiality

Children and young people taking part in the consultation need to fully understand in advance the level of confidentiality and anonymity that will protect them from any negative consequences of being candid during the consultation. They also need to understand the difference between confidentiality and anonymity.

‘Anonymity’ means that, whilst their words and ideas (and, possibly, drawings and photographs) may be used in public reports, their names and other identifying information will be removed. **‘Confidential’** means that if personal information about a pupil is given during the consultation (e.g. dislike of a particular teacher or upset about having a different view from the pupil’s parents/carers), this will not be revealed to anyone without the direct permission of the child concerned. The exception to confidentiality is where there are overriding child protection concerns.

Using an independent consultant makes it easier to maintain the anonymity and confidentiality of children and young people’s views. Using school staff to record pupils’ feelings and recommendations is not ideal because of the ethical issues described above.

However, there may be times where it is necessary for school staff to be more directly involved (for example consulting

with pupils who require additional support from someone who knows them well). In these cases, how pupils’ anonymity and confidentiality will be respected needs to be explained and agreed in advance with the pupils concerned.

The issue of confidentiality also needs to be considered between pupils. **Ground rules** should be established with children and young people at the start of the consultation process. These should include pupils’ responsibilities to each other regarding confidentiality. For example, the concept of ‘Chatham House rules’, whereby nothing that is said in the room may be attributed to a participant once the exercise has finished, may need to be explained, discussed and agreed if a ‘focus group’ is one of the consultation methods being considered.

If names and contact details are recorded, then the reasons for this should be explained (for example, to give feedback once the report is completed). In the event that confidentiality and/or anonymity cannot be guaranteed, the participants must be warned of this in advance and they must be enabled to give their *informed* consent before proceeding.

How should children and young people be consulted?

Good planning is essential if the consultation process is to be a success. When consultation is on a sensitive issue, it is particularly important that enough time is spent on this phase to ensure that the process is properly thought through and developed with the best interests of children and young people in mind.

The first step is to identify and involve an independent consultant, or other suitable lead (see above), who will carry out this work with children and young people day-by-day. Engaging someone who is genuinely knowledgeable, independent and skilled at this type of work can be the difference between a meaningful, credible consultation process and one that may be perceived as a 'tick-box' exercise. This person should become involved as early as possible to help with planning, as well as implementation.

This section provides an overview of how to consult on a matter as sensitive as school closures and provides pointers to the key decisions that need to be made early on in the process by the education authority, staff from the schools concerned and the independent consultant. The consultation process should then be built on these decisions.

Key points to cover during the planning phase:

- What is the aim and purpose of the consultation?
- What are the principles by which the consultation will be run?
- What are the objectives?
- How will key background information be shared with pupils?
- When will the consultation be carried out and how long will it last?
- Who will be involved in carrying out the consultation and in what role?
- Who will be participating in the consultation?
- What are the key questions/issues on which views/advice will be sought?
- What are the most appropriate methods to use?
- What are the best ways to keep participants safe (both from a physical point of view and an emotional one)
- How will pupils' views and advice be communicated to relevant adults?
- How and when will feedback be given to pupils?
- What resources and funding are required to carry out this process properly?
- Will (and if so, how will) pupils become part of the decision-making after the formal consultation has been completed?
- How will pupils be notified of any decision?
- What is a realistic timescale for completing all parts of the consultation process?

Deciding on the questions to ask

It is important to be clear from the outset what kind of information from pupils is wanted, needed and helpful to the process of making a decision about whether a school should be closed (or another significant change implemented). This is not a process simply to determine whether children like their current teacher or to ascertain that (like most people) they have some fear of the unknown or reluctance about change.

Bearing in mind the aim, purpose and objectives of the consultation, the independent consultant and education authority (liaising with school staff) need to tease out the questions on which children and young people's views are appropriate and necessary. This is likely to differ from school to school and on the nature and substance of the change proposed.

Prior to the start of the consultation process, education authorities now have a legal duty to explain what is being proposed and why. Specifically, the authority must make public their Proposal Paper (s.4 of the Act), including an Educational Benefits Statement, containing its views on the advantages and disadvantages of the proposed school closure (or other significant change) (s.3). One important feature of the Act is that education authorities who withhold significant information may be creating grounds for a decision to be called in by Scottish Ministers, who have the power to overturn a decision under certain circumstances specified in s.15 of the Act.

Thus, the education authority's Proposal Paper should cover:

- Their views on the likely educational effects on pupils at any affected school, children likely to become pupils at any affected school and other current users of the school's facilities
- Their views and evidence about the strengths and weaknesses of possible alternatives to closure
- An explanation of how the authority intends to minimise or avoid any potential adverse educational effects, if their proposal is implemented
- A description of the likely positive and negative impacts (and evidence as to why these are the likely impacts) on non-educational matters – e.g. financial, transportation and community impacts – that the authority believes could result from implementation of its proposal







The Proposal paper must be a starting point for deciding the questions that children and young people will be asked. Pupils should be given the opportunity and support to challenge or agree with different aspects of the authority's assessment, as well as explore viable alternatives to the proposal.

Depending on the age of the children and young people concerned, points taken from the local authority's Proposal Paper are likely to need 'translating' into concepts and language that pupils find easy to understand. Questions should be clear and unambiguous.

Where an education authority proposes closing a rural school, the authority must have 'special regard' to three further factors (see page 36 – Matching consultation methods to school type: Rural Schools).

Questions on each of these three additional factors need to be among the questions asked and matters discussed with all affected children and young people.

Deciding the questions and topics to ask children and young people about

-  The consultation as a whole must be transparent, comprehensive and even-handed. This includes the specific questions asked and the topics discussed.
-  How questions are worded and how they are asked can strongly influence the answers received. Neither proponents nor opponents of proposals about school closure should have control of the questions to be asked. This is why the use of a genuinely independent consultant is recommended.
-  The opportunities pupils are given to discuss the impact of (or answer questions on) the possibility of their school closing must be evenly balanced by discussions/questions about the impact of their school remaining open.
-  Consultation activities and the wording of questionnaires need to pay particular attention that they are not written with the underlying presumption that the authority's proposal will be implemented.
-  Consultation questions should be designed to give the 'bigger picture'. They need not only to elicit views, but also to ascertain why pupils hold these views. This information is vital if education authorities are to fully grasp the import of what children and young people say.
-  If pupils have additional points they wish to raise, then the consultation questions should not preclude that happening.

Deciding on the most appropriate methods to use

Having agreed the questions with education authorities and school staff, the independent consultant should begin to match possible methods to these questions taking into account relevant factors such as:

- the number of children and young people involved
- the ages of the affected children and young people
- the time and resources available
- the venues
- guidance from people who know the children and young people
- making the consultation accessible to all pupils by adapting questions and methods appropriately and as necessary

More detailed information on the range of methods possible and their particular strengths and weaknesses can be found on page 30. Often the best consultations use a mixture of methods.

Agreeing a realistic timescale and drawing a timeline

Using a step-by-step time-line is fundamental to ensuring that all parts of the consultation process are covered within realistic time frames. A time-line should be drawn up for the whole process, including: when the notification of the proposal is to be given to children and young people; when the actual consultation exercises will take place; when initial feedback on the results of these exercises will be given to

the participating children and young people; and when all the relevant children and young people will be made aware of the final decision about school closure.

The Schools (Consultation) (Scotland) Act requires a minimum period of six weeks for consultation with all the relevant parties. In the following 'Steps in the Consultation Process' chart, it is suggested that this time period is measured from the date the consultation exercise(s) actually begins – with all preparation work being done prior to this date.

However, care must be taken to ensure that this six-week period is actually sufficient to allow the collation, analysis and writing up of the views of children and young people as well as the collection of this information.

Depending on the methods chosen and the size of the school (consultations could involve collating over 1000 views), these stages can take a significant amount of time. If six weeks will not be adequate, then there is no prohibition against having a longer consultation period in order to properly consult with all stakeholders. It is pointless and damaging to carry out a rushed and inadequate consultation.

Steps In The Consultation Process

Preparation

Carried out prior to the official consultation period, where possible

Answer the Key Questions (Page 12)

Engage an independent consultant

(Education Authority)



Clarify which school(s) and children and young people are to be consulted and when

Produce an estimated timeline for the whole consultation process

Produce draft details of the notification of the proposal and key background information to be given to pupils before the consultation exercise(s)

(Education Authority in liaison with Independent Consultant and relevant School Staff)



Meeting(s) between education authority, school staff and independent consultant to agree a broad approach to consultation exercise(s), the range of questions and topics to be included, a timetable, roles and responsibilities

Clarify any ethical or confidentiality issues

(Education Authority, Independent Consultant, relevant School Staff)



Develop a detailed plan for the consultation exercise(s) in liaison with school staff

Prepare resources, conduct and review pilot consultation exercises

Resolve any ethical or confidentiality issues and plan strategies for dealing with possible difficult situations
(Independent Consultant)



Notify children and young people of the proposal and details of the consultation process and exercise(s)

Inform parents and carers of the opportunities for their children's involvement

(Education Authority)



The Consultation Exercise(s)

Carried out during the official consultation period

(minimum time period: six weeks)

Conduct consultation exercise(s) with children and young people

Analyse the information

Collate the results

Prepare an initial report

Give feedback to the children and young people who participated

Amend the report in the light of their comments

Submit report

(Independent Consultant)



Feedback

Provide feedback to all relevant children and young people

Give details of 'what happens next'

(Education Authority)

How should children and young people be notified of a school closure proposal?

The education authority and school staff need to be careful how they give information about the proposal to children and young people. Information needs to be provided in a neutral way. Adults can unwittingly influence children and young people's views (often in an attempt to stop them worrying). This can send a strong signal about what the adults want or expect pupils to feel and say; which, in turn, can result in consultation responses not accurately reflecting pupils' real opinions.

It will always be difficult to find a 'good' way to notify people of proposals to close a school (or implement another significant change). In fact, research by the Scottish Consumer Council¹⁰ suggests that current practice in some education authorities has left pupils, parents/carers and teachers distressed and angry. Methods of notifying children and young people (and their parents/carers) should be as uniform as possible across Scotland, to ensure consistency but there needs to be some flexibility so education authorities can adapt methods to best suit the needs of the local area (for example, the most appropriate way to tell children at a small, rural primary school may be different from those at a large, urban secondary school).

Education authorities will need to decide whether children and young people should

be told directly by education officers or by staff at the school – and/or whether parents/carers will be informed of the proposal and encouraged to tell their children. **Decisions should always be made in the best interests of children and young people and will require close liaison with school staff. Whatever method is chosen, education authorities should try to ensure that pupils, parents/carers and members of the local community are informed as simultaneously as possible to avoid undue upset and rumour.**

The way people are notified must not diminish the importance of the communication. For example, in the past, a number of parents/carers have been upset by being notified of a proposed school closure by pupil post¹¹, which put this proposal on a par with a newsletter, or permission slip for a school trip. This method has other obvious drawbacks in that the letter may be lost or read by the pupil before the parent/carer.

If education authorities decide to let parents/carers tell their children instead of doing so directly themselves, then it is important that the school holds some kind of information event soon after. This will make sure all pupils are aware of the same facts and will allow pupils an opportunity to ask any immediate questions they may





10. Wallace, J. and Nicholson, L. (2008) *Improving Consultation on Rural School Closures*, Scottish Consumer Council. The Scottish Consumer Council is now known as Consumer Focus Scotland.

11. 'Pupil post' - sending home a letter to parents in their child's schoolbag.

have about the decision-making process. This could be done by members of the education authority or the head teacher in an assembly style event or by teachers in classes (school staff would, of course, need to be fully informed themselves before being able to do this with pupils).

If it is decided to notify children and young people at the school first, then pupils should be told in the manner that best fits their school. For example, very small schools may prefer to speak with all their pupils at once, whereas schools with a larger roll may wish to have the head teacher talk with classes individually or have class teachers inform their pupils.

When notifying children and young people of a proposal the following information should be included:

-  Why the proposal has been suggested (drawing upon the Proposal Paper prepared by the education authority)
-  Practical consequences if the proposal is implemented (for example, when school closure is proposed, what school would pupils go to instead; how travel arrangements would be affected, etc)
-  What will happen next (i.e. explanation of the consultation process, including how children and young people will be involved)
-  Key dates (i.e. when the pupil consultation will take place; when the decision will be made; and when pupils will be informed)

This information needs to be communicated as clearly and simply as possible taking into account the ages of the pupils concerned¹². Pupils should be given ample time to ask questions and also told whom they can speak to if they think of questions at a later date. Having a brief written summary of these main points would be a useful memory aid for children and young people. All necessary steps should be taken to make this information accessible to all pupils, including those with disabilities, learning difficulties, and English as an additional language.

It is important that notifying children and young people is not seen as an isolated event, but rather as a part of the overall consultation process. Ideally, whoever will be carrying out the consultation will be directly involved in planning how best to notify children and young people so there is consistency and coherence between this step and all the others that follow.







12. The Plain Language Commission has a plain English Lexicon with alternative suggestions for over 1000 commonly used words. Available to download free of charge at <http://www.clearest.co.uk>.

What information do children and young people need before being consulted?

If children and young people are to be involved in meaningful consultation they need to be able to give informed views. They need to be aware of, and understand the main facts relating to the consultation topic. These facts need to be clearly given and in language that is age appropriate (i.e. the same facts may need to be presented differently according to the age and understanding of the children and young people involved).

If the original notification of the proposal to pupils was quite detailed, much of the key background information will already have been shared. However, it is worth reiterating before children and young people are directly involved in consultation activities. If the original notification was not detailed, then the main facts pupils will need to know, regarding proposals such as school closure will include:

-  What the proposal is
-  Why the education authority is making the proposal
-  Whether there are any alternatives
-  What the implications are if the proposal is implemented (for example, which school would pupils go to instead; some basic information about that school; and whether all pupils would go to the same school)

If the proposal is for a rural school to close, children and young people will also need information to help them take into account the special provision for rural schools (i.e. considering the effect on the local community as well the alternatives to closure and the effect on travel times).

In some cases, it may be appropriate for children and young people to visit the school to which they would transfer if the proposal were implemented. The independent consultant should be involved in this visit and every effort should be made to conduct the visit in a neutral manner to secure the most accurate information and impressions possible. For example, pupils should observe or participate in the normal school schedule and have informal time to talk or play with the students at the potential receiving school – instead of going there solely for a formal tour or special, fun programme of activities intended to ‘sell’ the school’s virtues, or anything which may be perceived in this way.

How should children and young people be consulted?

Methods

A number of different methods can be used when consulting with children and young people. Summaries of the main methods are provided below, together with their strengths and weaknesses when consulting with children and young people on issues such as school closure. It is worth noting that boundaries between different methods are not always distinct and there is often some overlap between different categories.

Whichever methods are chosen, it is important that there should also be some on-going way for pupils to contribute views outwith the actual consultation exercises (for example through having a thought box¹³). The fact that participation is strictly voluntary and that pupils can withdraw from the consultation process at any time must be made clear from the time that children and young people first are made aware of the closure proposal and the opportunities they have to contribute to it. Reminders of their ability to stop participating whenever they choose should be issued periodically. The point is not to discourage them from taking full advantage of the opportunities available, but rather to remind them that they have a choice about what (and whether) they contribute to consultation activities of any kind.

Questionnaires

This method is good for canvassing views from a large number of people and popular with many children and young people. It is essential that questionnaires are well written and designed with children and young people in mind.

A disadvantage of this method is that it demands a level of reading and writing skill. Adults can help pupils to complete forms but, because of anonymity and confidentiality issues, it is best if this adult is someone without a vested interest in the outcome.

It is always worth piloting questionnaires with a small group of pupils and amending the questionnaire in light of their feedback. Time needs to be allocated for this during the planning phase and measures put into place to avoid causing the pupils in the pilot group unnecessary upset.

On-line questionnaires are an alternative to paper questionnaires and there are some organisations such as Viewpoint that specialise in designing questionnaires for children and young people. There is evidence that young people (though not necessarily younger children) like filling in these questionnaires and feel that they are more likely to remain confidential than paper versions. As with written questionnaires, there are some pupils who may not be able to use this method.

Example 6: Using a mixture of methods, p.45

13. A 'thought box' is like a suggestion box where individuals write down their ideas and post them into the box to be collected on a specified date and added to viewpoints gathered during the consultation exercises.

Focus groups

This method generally provides detailed and thoughtful information as participants can spark new thoughts and ideas from each other. These groups can be popular with children especially if they are participating with their classmates. As they are best undertaken in groups of six-eight pupils, this generally restricts number of pupils that can be involved, and therefore poses a limitation. This method is really only suitable for small schools where all pupils have the opportunity to be involved in one of the focus groups. However, in larger schools, it can be used with some pupils as part of a mixed method approach. The use of games and activities and/or graphic facilitation (drawing what the pupils say, as they say it) can help the involvement of children and young people

facilitation can be effective in engaging pupils and making the situation less formal. Practical activities such as voting and prioritising can serve a similar purpose.

Example 6: Using a mixture of methods, p.45

Use of existing consultation structures: Pupil Councils

Although the great majority of schools in Scotland have a Pupil Council, it is recommended that this approach is only used in schools where the Pupil Council (or similar group) is already active and respected by other pupils and where there are already-established, robust mechanisms to gather and feed back other pupils' views. The advantage of this method is that children and young people in these schools are used to being consulted through this process and individual pupil councillors have experience of gathering views from their peers, discussing them and feeding back findings.

Consultation on a proposed school closure could not be undertaken as only one topic amongst others on the Pupil Council agenda. Instead, it would need to become the focal point and additional time and support would need to be provided. The Pupil Council cannot be expected to take the place of the independent consultant; rather, they can team up to accomplish this work in some schools. Alternatively, elements of this approach could be adopted (e.g. involving the Pupil Council in deciding which methods to use; using Pupil Council members to gather views, etc).

Semi-structured interviews with individuals or small groups

This method provides detailed information from an individual perspective. It is time consuming and usually only undertaken with a restricted number. Therefore, it tends to be only suitable for a small school or as part of a mixed method approach. However, it is useful for consulting individual pupils with specific needs (for example pupils with learning difficulties; pupils with English as an additional language; pupils with other additional support needs; very young pupils; or pupils who would be in danger of being overshadowed in a group setting). These 'interviews' need to be conducted in a child friendly way and the use of graphic

Large conference-type event

A large-scale conference-type event can also be used to gather views within relatively big schools with a high number of pupils. This could take place over one-two days (depending on the size of school). As evidence suggests that children and young people often feel more comfortable working in smaller groups, it might be most effective for the event to involve a series of small group or class events, as well as having elements that the whole school can take part in simultaneously (such as the introduction and the conclusion).

The consultation work carried out in the small groups could take a participatory approach (explained in more detail below) where questions are posed in an interesting, participative and fun way.

Example 2: Using a large, conference-type event, p.40

'Hands-on' active approach

This approach covers a variety of methods, techniques and activities linked by a common philosophy of getting pupils involved in doing activities that go beyond sitting and talking or filling out a questionnaire. Methods and techniques tend to be practical and often fun. They can work particularly well with less academic or less articulate children and young people.

Because a participatory, hands-on approach covers such a wide range of techniques and activities, it is very flexible. It does however, need careful planning and should be led by an experienced facilitator.

A further strength is that activities can be developed to gather children and young people's ideas in their own words. This enables the production of a fairly accurate and relatively unbiased record of their views. When used sensitively, this approach can be particularly helpful when asking children and young people about issues that can be emotionally charged.

Example 1: Consulting on school closures in small schools, p.39

Example 3: Using a participatory approach and creative methods, p.42

Other creative methods

A hands-on participatory approach often incorporates creative methods, although these can also be used as part of a focus group or individual interview. Creative methods draw on inventive and imaginative processes that can be very appealing to children and young people. Examples include video, storytelling, drama and drawing. These methods are effective in helping children and young people explore an issue more thoroughly and perhaps from different perspectives. A limitation of this method can be that information is recorded and collated through the process, rather than as an end result. Children and young people's views need to be collated and recorded accurately and in detail if they are to carry due weight when assessed alongside other consultation responses.

Example 3: Using a participatory approach and creative methods, p.42

Example 4: Using video, p.43

Mosaic approach

The mosaic approach is an approach used with young children, including those in nursery schools. It is a participatory approach that uses a variety of play-centred and talking methods, including recording observations of children's actions, dialogue and use of particular spaces; children's own auditory and visual descriptions of 'important things' in their environments; and short structured interviews. The benefits of this approach are the use of a combination of methods to enable young children to express their views.

a more interesting consultation process that will help to keep children and young people engaged.

Example 1: Consulting on school closures in small schools, p.39

Example 6: Using a mixture of methods, p.45

Example 5: Using the mosaic approach for consultation with young children, p.44

Benefits of using a mixture of methods

Often the most effective way to find out children and young people's views is to use a mixture of methods. This means that the weaknesses of one method are balanced by the strengths of another, and that pupils with different abilities and preferences can be engaged through methods that work for them. A combination of quantitative methods (such as questionnaires) and qualitative methods (such as focus groups) will produce results that include not only the facts and figures of what children and young people think, but also why they think it. This level of detail will be invaluable to education authorities in assessing and understanding consultation responses from children and young people. In addition, using a mixture of methods and approaches often makes for

How should children and young people be consulted?

Matching consultation methods to school type

When carrying out consultations with children and young people on school closure, the particular characteristics of the school in question should influence the methods that are chosen. In particular, the size of the school; whether the school is a primary or secondary; and whether the school is counted as a 'rural school' will have a significant impact in deciding how the consultation should be run. These major categories are explored below.

Points to consider:

- Consultation exercises in large schools will result in a large amount of material. Time needs to be built into the consultation process for collating, analysing and report writing to be undertaken effectively and with a commitment to listening to the views of children and young people.
- Questionnaires should be piloted with a small group of pupils to identify any problems with the structure or wording of the questions.

Large schools

Given the principle that all pupils should be given the opportunity to give their views, the methods best suited to large schools are ones that can collect the views of a large number of people quickly and effectively. These would include


- Questionnaires
- Large conference-style event
- Peer-led consultation (if schools have existing mechanisms – see previous section on Pupil Councils)


Small schools

Because there are fewer pupils in a small school, there is more flexibility in the choice of methods. Small numbers mean the whole school can be involved in qualitative methods and detailed information can be collected through:

- Focus groups
- Individual interviews
- Participatory approaches
- Creative methods

Points to consider:

 Focus groups produce group information, especially contrasting and changing viewpoints. This is different from the individual thoughts and views produced in a one-on-one interview.

 Within a focus group, certain views/personalities can dominate discussion so that other views are lost or inadequately explored. Similarly, younger and/or quieter pupils may not contribute as much. Such group dynamics can be mitigated through: the careful selection of group members; including activities that give everybody an equal opportunity to speak; including some activities that are completed privately and individually – for example, writing down views on post-its or also completing a small questionnaire.

Secondary schools


Most secondary schools will be considered large schools for consultation purposes.


This section should therefore be read in conjunction with that on large schools.


Primarily because of the size of secondary schools, the following methods are likely to be the most appropriate and effective:

- Questionnaires
- Large conference-type event
- Peer-led consultation (if schools have existing mechanisms – see previous section on Pupil Councils)

Points to consider:

 Choose methods that allow a degree of privacy and autonomy, so pupils are not overly influenced by what others think, or become too shy or embarrassed about giving their real views.

 Secondary schools cover a wide range of ages – approaches for S1 pupils may be different to those for S6 pupils; and questions may need to be modified for different age groups.

 Use methods that are attractive to pupils. They should look appealing and should not take too long to complete; pupils should want to take part.

Primary schools

This section should be read in conjunction with either the section on large schools or the section on small schools, depending on the size of the primary school.

One of the prime concerns when consulting in primary schools is for the consultation to be age appropriate. Consultation plans need to accommodate a wide range of ages (potentially from four-12 years) and abilities. By adopting a mixed method approach, consultation questions and activities can be tailored to best suit different ages and abilities.

In general, the methods that are most successful with primary school pupils are those that involve less reading and writing and more active engagement, such as:

- Participatory approaches
- Conference type event (with pupils working in small groups)
- Creative approaches

Points to consider:

🔑 Close liaison with school teachers is vital to ensure consultation plans are pitched at the right level; that children will understand the questions; and that the right combination of children are grouped together. Even within the same year group, there can be significant differences in the maturity and understanding of pupils.

🔑 While the methods suggested are focused on games and activities, it is important that these result in a clear record of pupils' views. This may be done by having an adult responsible purely for recording pupils' responses and/or using activities that end up with a written record.

Rural Schools

Depending on the size of the rural school, these points should be read in conjunction with the points made either relating to large schools, or (as is most likely) small schools.

Section 12 of the Schools (Consultation) (Scotland) Act makes special provision for rural schools when the education authority proposes closure. In these cases, the education authority needs to have 'special regard' to three factors¹⁴:

1. any viable alternative to the closure proposal
2. the likely effect on the local community as a result of the closure – in particular, sustainability of the community and availability of the school building and facilities for use by the community
3. the likely effect caused by different travel arrangements to an alternative school as a result of the closure, particularly for pupils, staff and other users of the school, as well as any environmental impact.


When consulting with pupils at rural schools, the process must explore these factors with children and young people, as well as more general views on the proposal for school closure. It is worth noting that some or all of these three factors may be relevant in urban closure proposals too. The Schools (Consultation) (Scotland) Act 2010 specifies that all rural schools must consider these factors. However, every non-rural school may consider any or all of these three factors in their consultation process.

14. Georghiou, N. - SPICe Briefing: Schools (Consultation) (Scotland) Bill; available from the Scottish Parliament's website: <http://www.scottish.parliament.uk/s3/bills/23-Schools/index.htm>.

These factors need to be translated into concepts and language that children and young people understand, so that they can give their views in an informed way. For example, 'sustainability of the community' can be translated into questions about the different groups of people who use the school and what would happen if the school did shut, as well as exploring how much pupils thought the school helped to bring people together; whether they met people at the school that they would not meet otherwise; and whether they thought people chose to live here because of the school (or would move away if it closed) and so on.

Given the complexity of some of the factors that need to be considered, it is preferable to use methods that enable pupils to discuss and explore as a group what these concepts mean, such as focus groups using activities and a participatory approach or creative methods – in particular, drawing and video.

Points to consider:

 The closure of a rural school can have an impact not only on children and parents/carers, but also on the whole community's 'way of life'. These consultations, therefore, have the potential to be particularly distressing. Very close liaison with school staff and the education authority is essential to develop a consultation process that will elicit pupils' views whilst causing the minimum emotional upset.

How to include all pupils

The Standards in Scotland's Schools etc Act 2000 echoes Article 12 of the UNCRC to a degree when it states that 'an education authority shall have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect that child or young person, taking account of the child or young person's age and maturity' (s.2 (2)).

If there are barriers to children and young people expressing their views, it is up to education authorities, schools and whoever is doing the consultation to find ways around these barriers and make the consultation accessible.

The key to making a consultation inclusive is having a flexible approach. Adaptations to methods and materials used and support provided to enable some children and young people to participate may include the following:

Settings/methods

- Pupils who are less confident or well known among their peers may find it easier to share their views one-to-one, rather than in a group setting. There are also simple techniques for ensuring that everyone has a chance to speak in a group setting.

- Pupils with autism may require a quiet space without background noise in order to feel relaxed about sharing their views. They often respond well to working with photos, tape recordings and video.
- Pupils with disabilities who use adapted computer systems may prefer to share their views online or by email. Communication, Access, Literacy and Learning (CALL) Scotland have relevant information: www.callscotland.org.uk
- Wheelchair users and pupils with mobility difficulties will need a venue they can access without difficulty. If the consultation is activity based, activities should be chosen that do not put these pupils at a disadvantage.

Adaptations

- Pupils who are blind or partially sighted may require audio, large print or Braille. (For further information see RNIB guide See it Right – Making Information accessible for people with sight problems)
- Pupils with hearing impairments may require a sign language interpreter or other appropriate support. For advice, call the National Deaf Children's Society Freephone Helpline on 0808 800 8880.

- Pupils with learning difficulties may prefer consultation methods that do not rely heavily on reading and writing. In addition, any written information given to pupils regarding the consultation should also be given verbally.
- Pupils with communication or behavioural needs may require support from an advocate or supporter in order to participate in the consultation.

This gives an outline of just some of the adaptations that may be required. The child or young person, their parents/carers and the professionals that support them will be the greatest experts on what adaptations are needed to enable them to participate and they should be directly involved in tailoring the consultation to their needs. Again, these adaptations and supports should be developed and agreed with the independent consultant involved in each case.

Support

- Pupils speaking English as a second language may need information translated into their first language. They may also require an interpreter to be able to participate fully in discussion.



Example from Practice 1: Consulting on school closures in SMALL SCHOOLS

Consultation with pupils on the proposed closures of three small rural primary schools. Commissioned by Scottish Borders Council in 2004, and conducted by an independent consultant.

- All schools had a school roll of less than 10.
- There was close liaison with the head teachers during the planning stage.
- A similar consultation process was conducted in each school, but with variation in the particular exercises to enable the pupils to feel comfortable and to give all pupils an equal opportunity to give their views.

School one

- Pupils were divided into two groups: P1-P2 pupils and P3-P5. This ensured that the consultation could be pitched appropriately for the younger pupils. In addition, as all the older pupils were leaving the school at the end of the year anyway, if this impacted on their views, it would not influence the younger ones who would be more directly affected.

School two

- All the pupils were consulted at the same time because they were used to working in this way and the head teacher felt they would therefore feel happier and more relaxed.

- The consultation methods were built around turn-taking to ensure that everyone was equally involved.

Common methods

- A participatory approach using practical exercises, with very little reading and writing was used to capture pupils' views.

Examples

- 'Facial Expressions': pupils selected the picture(s) of the facial expression that showed their feelings about the idea that their school might shut. More than one choice was allowed, in recognition of the reality that the children might experience a complex range of emotions. They were then asked to explain their reasons.
- 'Worry soup': pupils wrote down the things that concerned them about the proposed closure. They then looked at how these might be solved.

Key Points

Close liaison with staff at the school and adapting approaches to suit individual schools were central to making this consultation process not only effective, but also sensitive to pupils' emotional well-being. 'Worry soup' might be extended to worries about what they would experience (or miss) if the school remained open.

Example from Practice 2: Using a LARGE CONFERENCE TYPE EVENT

The Best Days of Your Life: In 2002, the Scottish Parliament held a National Debate on Education. As part of this process, seven groups of young people (who otherwise might not have been heard within more 'mainstream' responses) took part in a series of workshops culminating in a one-day event to discuss and debate their views on education.

Run by Children in Scotland and Save the Children, funded by the Scottish Parliament

Groups included:

- young people looked after and accommodated by the local authority
- young people requiring learning and behaviour support
- young people with physical disabilities and/ or learning difficulties
- young gypsy/ travellers
- young people who have been excluded from school

Methods used

- Save the Children and Children in Scotland worked with the seven groups over two-three sessions. Each group took part in in-depth discussions about their experience of school and developed key messages for a poster and CD-Rom, which were displayed at the one-

day event and submitted as part of the Scottish Parliament's National Debate.

- All the young people then met at a one-day event in Edinburgh to discuss and debate their views on education. Methods used included a drama workshop, a mural workshop; and a 'question time' with key decision-makers, including the Minister for Education and Young People.

Key Points

- Both the group sessions and the one-day event used a variety of qualitative approaches with a strong emphasis on making them imaginative and engaging. Methods involving reading and writing were deliberately avoided.
- The first sessions, where groups worked individually, helped young people feel more confident about discussing their views openly and also allowed each group to develop their own perspectives on the issue. The one-day event allowed the groups to explore both their differing views and the views they had in common. It also gave groups a real feeling of empowerment especially following the 'question time' with key decision makers.
- A written report covering all the groups' views accompanied the submission of the posters and CD Rom to the Scottish

Parliament. This was to ensure that the detail of what young people said was not overlooked.

Adaptation for Consultation on School Closures

- Combining elements of group work within a large event could be very effective in school closure consultations.
- Giving children and young people the opportunity to engage directly with decision makers (e.g. councillors and key local authority staff) could have huge benefits for both. Ideally this would happen at a number of key points (e.g. initial notification) but is particularly important at the feedback stage.
- Responses from consultations need to give a full account of children and young people's views. A written report may need to be submitted alongside more creative outputs that result from the consultation process.

Example from Practice 3: Using a PARTICIPATORY APPROACH and CREATIVE METHODS

The Children and Decision Making Study was conducted with looked after children in their middle years (eight-12), conducted by Dynamix

All children and young people received an information pack providing an outline of the project (in leaflet and tape form), two activity sheets and a stamped addressed envelope, together with information leaflets for parents/carers before deciding to participate.

The consultation used a mixture of methods including:

- A survey with 225 children and young people living in seven local authorities.
- Two individual interviews with 45 children and group work at an activity day.

Examples of exercises used in the individual interviews and at the activity day

- 'A decision-making chart': undertaken in the individual interviews to explore the children's views on what were the most important decisions, and who were the key people. The chart acted as a visual focus.
- 'A pot of beans': undertaken in the individual interviews. Each child was given six beans to allocate to pots representing different priorities.
- 'Diamond ranking': undertaken in a group at the activity day and involved children, as a group, prioritising nine statements.

- 'Alien review panel': also undertaken in a group at the activity day.

Key Points

- Participatory techniques enable children to direct the content of the discussion and rely on them explaining their interpretations of their realities to the researcher. They have more control over the agenda and the content of the discussions cannot be predicted.
- Children in the middle years preferred active methods of communication (doing or moving) to passive ones ("just talking").
- The activities provided a degree of transparency, which displaced the 'mysticism' about the research and lessened the children's fears about what might happen next.

Adaptation for Consultation on School Closures

The methods used in the individual interviews and groups can be adapted for both individual, group and 'event' consultations on school closures. They appear to be particularly useful for children in their middle years of schooling.

This example is adapted from O'Kane, C. (2000) 'The development of participatory techniques: Facilitating children's views about decisions which affect them' in P. Christensen and A. James *Research with Children*

Example from Practice 4: Using VIDEO

Transition into Adulthood: Consultation with young people with disabilities on their views, opinions, hopes and fears for the future. Commissioned by North Ayrshire Council Social Services and by Playback.

Playback developed a programme of consultation that actively involved young people in using drama and video to develop a visual expression of their hopes and concerns for the future.

Examples

- 'Talking to camera': Parents and young people expressed their views, concerns and experiences directly to camera.
- 'Drama': Young people were encouraged and supported to develop individual scenes and scenarios based on their experiences and reflecting their key concerns.
- 'A video record': recordings of the consultation process and a presentation video were produced.

Key Points

The most positive outcome from this process was how empowered the young people became. They really engaged in the tasks; felt at ease in both group and individual activities; were able to express and debate issues openly; and were confident enough to challenge ideas.

Adaptation for Consultation on School Closures

The use of video would be good for the sensitive topic of school closures because recordings of the first discussion can be shown back to pupils and provide them with an opportunity to reflect on, and possibly adapt, their initial thoughts. It is best used in conjunction with a focus group and would primarily be suitable for small schools where only one or two focus groups are to be conducted.

This example is adapted from Engaging Children and Young People in Community Planning, Community Planning Advice Note (Scottish Executive Publication 2006).

Example from Practice 5: Using the MOSAIC APPROACH for consultation with young children

Between 1999 and 2000 Clark undertook an evaluation of a nursery with children aged three-four years and began to develop the Mosaic approach. It draws upon the participatory approach and is intended to be a flexible set of tools. The approach is conducted in two stages. The first involves the collection of information. In the second, the information is pieced together for dialogue, reflection and interpretation.

Methods used

- Narrative Observation: The children's actions, dialogue and use of space are recorded.
- A Talking Tour: A tour of the children's environment, directed by them, in which they point out important places.
- Using Cameras: Children, themselves, taking photos of 'important things' or the children can ask the consultant to take the photos – this needs to be done at the children's height.
- Map making: Two-dimensional representations of the school using the children's own photographs and drawings.
- Child conferencing: A short structured interview conducted one to one or in small groups. Some young children respond to the opportunities for talking in a structured way whereas others will find more play-centred approaches easier to take part in.

- Dolls and puppets can be used as intermediaries for children to talk about their early years experiences.

Key Points

The benefits of this approach are the range of methods that can be used to communicate with young children.

Adaptation for Consultation on School Closures

- This approach is highly suitable for use with children in nursery provision or the first years of primary school. The Talking Tour and camera activities could also succeed with older students.
- The use of dolls and puppets could be combined with vignettes to encourage the children to explore the impacts of a school closure. Such distancing might help deal with the possible emotional impacts of the consultation process.

This example is adapted from Clark, A., McQuail, S. and Moss, P. (2003) *Exploring the Field of Listening to and Consulting with Young Children*, Thomas Coram Research Unit, Research Report 445 and Clark, A. (2004) 'The mosaic approach and research with young children' in V. Lewis et al *The Reality of Research with Children and Young People*.

Example from Practice 6: Using a MIXTURE OF METHODS

Access All Areas: Consultation project now in its seventh year, which informs and asks pupils from Scottish Borders' schools about accessibility and additional support. Pupils' views are used to inform Scottish Borders' accessibility strategy and develop good practice in schools.

Run by Children in Scotland in collaboration with Scottish Borders Council

- Project works with primary and secondary schools, one school at a time
- Consultation plans are drawn up with head teachers and are tailored to meet each school's particular circumstances.
- A cross section of views is achieved by involving a wide range of pupils, including mainstream classes; pupils with disabilities; pupils with learning difficulties; pupils with behavioural difficulties; pupils involved in peer support initiatives and so on.

Methods used

A mixture of methods is used. This enables the most suitable method to be chosen for individuals or groups.

Examples

- Consulting with mainstream classes usually involves a mixture of practical exercises (participatory approach) with some small questionnaire style worksheets and some artwork.
- Individuals and small groups tend to be consulted using semi-structured

interviews, which are recorded graphically by the consultant using pictures, cartoons and words.

- Some groups use video and photography to record particular accessibility issues.
- Creating a large piece of artwork or taking part in an assembly have been some of the methods pupils have used to let the whole school know about their participation in the project.

Key Points

Using a mixture of methods allows both qualitative and quantitative data to be collected. This leads to a more in-depth understanding of how pupils view the provision of additional support in each school. Another key reason to vary both the methods and the size of group is to create at least one setting that will put different types of pupils most at ease when talking about a potentially sensitive topic.

Adaptation for Consultation on School Closures

Carrying out a similar process, where the consultant liaises with school staff and then draws up a consultation plan using a mixture of methods and different sizes of group should lead to the same benefits as those found in Access All Areas. Namely, a more in-depth understanding of pupils' views and a consultation that is sensitive to pupils' emotional well-being and tailored to individuals.

How should children and young people be given feedback after the consultation?

Good quality feedback should be an essential part of children and young people's involvement in the consultation process. Without this pupils (and others) may feel their participation is tokenistic and be deterred from taking part in consultations in the future.

There are three obvious times to offer feedback after the consultation:

1. When the draft response summarising pupils' views has been completed

Whoever has carried out the consultation exercise(s) should visit pupils at the school(s) concerned to feed back what is in the report and to ask pupils if they would like to make any amendments.

2. When the finalised response is submitted (or soon after)

Children and young people should be made aware of what will happen to their response, once submitted, and how the education authority will use it to help them make a decision on the proposal. It is possible that feedback points 1 and 2 can be combined and this information given after asking pupils for amendments. The disadvantage of this is that it would probably be the consultant giving this information and there would be no direct contact for pupils with

any of the decision makers. There is a danger that pupils will not feel their views are being taken seriously.

If these two feedback points remain separate, it provides an opportunity for members of the education authority to meet directly with pupils. Pupils would be able to see their views being passed on to 'someone that matters' and hear what will be done with them. Pupils could also be given the opportunity to ask questions and to have the type of interaction with decision makers that is available to people who attend the public meeting on the proposal (it is likely that many pupils will not have attended the public meeting).



3. When the decision is made

Pupils should be informed when a decision is made and as with the original notification of the proposal, this should be done sensitively and as simultaneously as possible with other affected people. It should be explained to pupils why the decision has been taken, how their views were taken into consideration, and what will happen next.

If the decision is to implement a proposal (such as a school closure) then the consultation that took place with children and young people on the proposal must be seen as the initial step in an on-going

process of consultation and participation with pupils to develop a high quality transition programme based on pupils' needs and concerns. The closure of a school may have a disproportionate effect on particular pupils (for example those requiring additional support) and any transition programme must take this into account as outlined in the Code of Practice that accompanies the Education (Additional Support for Learning) (Scotland) Act 2004¹⁵, which will soon be revised and amended in light of the Education (Additional Support for Learning) (Scotland) Act 2009.



15. Scottish Executive, (2005) Code of Practice: Supporting Children's Learning, Chapter 5, Page 73, Paragraph 2.

How should education authorities use and interpret children and young people's views?

Children and young people's views need to be collated and assessed objectively and this should be done by an independent consultant (normally the same one as carried out the actual consultation exercises). This makes the process more transparent and less open to claims of bias. There needs to be clarity between the consultant and the education authority as to who owns which pieces of the information.

Children and young people's views should be taken into account and given due weight by education authorities.

Whilst this does not mean that the pupils' views and advice must prevail, it does mean that they should not be treated less seriously because they are from children. It should be remembered that children and young people are one of the groups most immediately affected should the proposal be implemented.

It is important that consultations are designed to both collect and understand the contexts of children and young people's viewpoints. These provide details of the bigger picture of the possible impacts of a school closure. Some views that children and young people hold may not be legitimate reasons for an education authority to keep a school open, but they could provide vital information about concerns that would need to be addressed if the proposal will eventually be

implemented. Children and young people should be made aware of this during post-consultation feedback.

There may be occasions where children and young people find it difficult to assess the impact a proposal will have on them. This can be the case when pupils (particularly young pupils) are asked about a situation of which they have no personal experience. For example, in a past consultation on the closure of a rural primary school, pupils seemed relatively unconcerned about the long bus journey they would need to take twice a day to get to and from their new school. This was in direct contrast to parents/carers for whom it was a major consideration. There could have been a number of reasons for this difference – perhaps pupils liked the idea of travelling by bus – but one probable reason is that none of these children had experience of travelling a long distance, by bus, on a regular basis and so found it hard to give a view on it.

Education authorities must ensure they understand children and young people's responses in context and make efforts to comprehend why children and young people may have omitted certain issues or found it difficult to give a viewpoint. It does not mean that education authorities should value children and young people's responses less.

A report following a consultation event will reflect the children and young people's views given at one point in time. For a variety of reasons, children and young people may find it difficult or not wish to talk in depth about their feelings during the consultation. Children and young people's views may also change over a period of time. If children and young people have given views at other times and the education authority are made aware of these (for example, if they are included in a parent's/carer's or teacher's response) it is important these amended views are also taken into account.

Where the needs and viewpoints of groups of children and young people are different from each other or from other stakeholders (and seeing these viewpoints in context does not resolve these differences), education authorities will need to consider how they will weigh up these differing viewpoints and interests in relation to making a final decision.

At the end of the day, it can prove difficult for any education authority, using any consultation process, to make a decision about school closure with which everyone affected agrees or about which they feel happy.

Nevertheless, the point of the consultation process described herein is to ensure that all affected children and young people emerge from this consideration of school closure feeling:

- **Heard and heeded**
- **Respected and valued**
- **Confident that the decision-making was fair and reasonable, rather than arbitrary and capricious**



Resources

Toolkits

Participation - Spice it up! – a user-friendly practical toolkit for engaging children and young people in planning and consultations, full of activities to make participation fun. (£18.95)

Dynamix Ltd 01792 466231 / email via the website / www.dynamix.ltd.uk

So you want to consult with children?

A toolkit of good practice

Save the Children toolkit designed to help create a participatory environment in which children and young people can express their views and take part in policy debates and discussions. Does not contain material on specific activities but focuses on what needs to be done to make sure such activities have the best chance of success. Aimed at governments/ local authorities rather than project workers. Can be downloaded from Save the Children website (under Resources section; On-line library).

0131 527 8200 / email via website / www.savethechildren.org.uk

EYSIP Action Research Toolkit – toolkit introducing basic principles of action research, with good practice tips and practical tools to support exploratory work with young people. (£15 + £2 p&p)

0131 667 1828 / enquiries@layc.org.uk / www.layc.org.uk

Children as partners - A guide to consulting very young children and empowering them to participate effectively – includes practice examples from Stirling Council.

http://www.ltscotland.org.uk/Images/stirling_earlyedcasestudy_tcm4-161673.pdf

Participation Works – website with lots of information and resources relating to the effective engagement of children and young people in decision-making. Titles that can be downloaded include:

- How to use multimedia tools to engage children and young people in decision-making
- How to involve children and young people with communication impairments in decision-making
- How to work successfully with children and young people from different faiths and cultures

0845 603 67251 /

enquiries@participationworks.org.uk / www.participationworks.org.uk

Organisations and Websites

Barnardo's – leading children's charity which provides a range of support services and a variety of participation resources.

020 8550 8822 / www.barnardos.org.uk

Children in Scotland – national agency for voluntary, statutory and professional organisations and individuals working with children and families in Scotland. In relation to participation provides information, training, events, resources and projects. In collaboration with Scottish Borders Council, runs Access All Areas, a consultation project with Borders' pupils about accessibility and additional support in schools.

0131 228 8484 /
info@childreninscotland.org.uk /
www.childreninscotland.org.uk

Dialogue Youth

Partnership between Young Scot, COSLA, local authorities, the Scottish Government and young people. Carries out consultations with children and young people and research into youth issues. The website has contacts for local co-ordinators in every local authority area.

0131 313 2488 /
dialogueyouth@youngscot.org /
www.dialogueyouth.org

Dynamix

Co-operative providing youth participation training, facilitation and resources including the Participation – spice it up! toolkit.

01792 466231 / email via the website /
www.dynamix.ltd.uk

Playback Trust - an Edinburgh based charity that works with and for young people with a range of disabilities and their families. Since 1998 Playback Trust has provided a wide range of leisure and recreational opportunities for young people to participate in.

0131 453 4889 / nancy@playbacktrust.net /
www.playbacktrust.net

Save the Children

Website has a library of publications and resources for policy-makers, teachers, children, development workers, researchers and others. Includes a section on children's participation.

0131 527 8200 / email via website /
www.savethechildren.org.uk

SCCYP – the office of Scotland's Commissioner for Children and Young People.

0131 558 3733 / info@sccyp.org.uk /
www.sccyp.org.uk

Scottish Borders Council – in collaboration with Children in Scotland, runs the Access All Areas project. 01835 824000 / www.scotborders.gov.uk

Consumer Focus Scotland – set up by government in 1975 as Scottish Consumer Council to promote the interests of consumers in Scotland, with particular regard to those people who experience disadvantage in society. Produced report Improving Consultation on Rural School Closures (2008).

0141 226 5261 / www.consumerfocus.org.uk/scotland

Viewpoint – organisation that specialises in on-line questionnaires for children and young people.

01656 865858 / www.vptorg.co.uk

Useful contacts for making consultations accessible

CALL Scotland - for information, resources and training in communication and assistive technology for children who have speech, communication and/or writing difficulties.

0131 651 6235 / www.callscotland.org.uk

National Deaf Children's Society

0808 800 8880 / www.ndcs.org.uk

Plain Language Commission – to download a free copy of their Plain English Lexicon with alternative suggestions for over 1000 commonly used words go to: www.clearest.co.uk

Royal National Institute for the Blind

020 7388 1266 / www.rnib.org.uk

The following may be able to help signpost to specialist organisations working with children and young people with a range of additional support needs:

- **Enquire** – the Scottish advice service for additional support for learning.

0845 123 2303 / info@enquire.org.uk / www.enquire.org.uk

- **Contact a family** - A-Z listings of support groups for disabled children with specific conditions.

www.cafamily.org.uk/medicalinformation/conditions/azlistings/a.html

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- Education (Scotland) Act 1980
- Children (Scotland) Act 1995
- Standards in Scotland's Schools etc Act 2000
- Education (Additional Support for Learning) (Scotland) Act 2004
- Education (Additional Support for Learning) (Scotland) Act 2009
- Schools (Consultation) (Scotland) Act 2010
- All Acts of the Scottish Parliament are available online on www.opsi.gov.uk

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Scotland's
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